

thereof, to bind antigen. Applicant submits that one skilled in the art would fully understand the claim as relating to antibodies and antigen binding fragments which, because of the heterologous kinase recognition site, do not have reduced ability to bind antigen. A simple comparison of the binding affinity both with and without the heterologous kinase recognition site would make clear whether or not there is reduced affinity for antigen. Applicant requests reconsideration of this ground of rejection.

#### **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with 37 CFR 1.97, applicant hereby makes of record the following additional documents. A PTO Form SB/08 and a full copy of each of the documents required under 37 CFR 1.98(a)(2) accompany this statement.

Applicant has become aware of the document cited in a Supplementary European Search Report issued January 7, 2005 in a corresponding international application *i.e.*, European Application No. 01939871.8. In accordance with 37 CFR 1.97(c), applicants hereby submit this document for the Examiner's consideration. The documents are cited on the enclosed PTO Form SB/08 (Exhibit 2), and a copy of the Supplementary European Search Report (Exhibit 3) and each document cited thereon are enclosed as well. The references cited in the Supplementary European Search Report but not listed on the attached PTO Form SB/08 were already cited in a previous information disclosure statement.

This statement is not to be interpreted as a representation that the cited documents are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any document herein be construed *per se* as a representation that such document is prior art. Moreover, Applicant understands the Examiner will make an independent evaluation of the cited documents.

Applicant notes that this Information Disclosure Statement is being filed prior to the mailing of a first Office Action after the filing of a request for continued examination under

37 C.F.R. § 1.114. Accordingly, pursuant to 37 C.F.R. § 1.97(b)(4), Applicant requests consideration of this Information Disclosure Statement.


In view of the above amendments and remarks, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this Amendment. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. PBLI-P01-007 from which the undersigned is authorized to draw.

Dated: July 13, 2005

Respectfully submitted,

By



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<b>Substitute for form 1449A/B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete If Known</b>	
				Application Number	09/872349
				Filing Date	May 31, 2001
				First Named Inventor	Sidney Pestka
				Art Unit	1642
				Examiner Name	L. R. Helms
Sheet	1	of	1	Attorney Docket Number	PBLI-P01-007

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	AM	EP 0 372 707 A2	6/13/90	Pestka, Sidney		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AN	Lin et al., 1996, "Construction of Phosphorylatable Monoclonal Antibody to a Tumor-associated Antigen," Cancer Res. 56:4250-4254	
	AO	Lin et al., 1998, "Construction of phosphorylatable chimeric monoclonal antibody CC49," Int. J. of Oncology 13:115-120	
	AP	Pestka et al., 1999, "Introduction of Protein Kinase Recognition Sites into Proteins: A Review of Their Preparation, Advantages, and Applications," Protein Exp. and Purif. 17:203-214	
	AQ	Pestka et al., 2000, "Use of Phosphorylation Site Tags in Proteins," Meth. in Enzym. 327:594-613	
	AR	Mohanraj et al., 1996, "Expression and Radiolabeling of Recombinant Proteins Containing a Phosphorylation Motif," Prot. Exp. & Purif. 8:175-182	
	AS	Fryxell et al., 1995, "Genetic Construction of a Phosphorylation Site in Ricin A Chain: Specific Radiolabeling of Recombinant Proteins for Localization and Degradation Studies," Biochem. & Biophys. Comm. 210(2):253-259	
	AT	Wu et al., 1994, "Identifying substrate Motifs of Protein Kinases by a Random Library Approach," Biochem. 33:14825-14833	
	AU	Kemp et al., 1977, "Role of Multiple Basic Residues I Determining the Substrate Specificity of Cyclic AMP-dependent Protein Kinase," J. Biol. Chem. 252(14):4888-4894	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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